

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CONGHUA YAN

Plaintiff,
v.

THE STATE BAR OF TEXAS, et al.

Defendants.

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Civil Action No. 4:23-CV-758-P-BJ

**DEFENDANTS TARRANT COUNTY AND ASSOCIATE JUDGE LORI DEANGELIS'S
RESPONSE TO PLAINTIFF'S SECOND MOTION FOR SANCTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

I. Introduction and Summary of Relief Requested

This Court has already denied Plaintiff's motion for sanctions against the undersigned counsel premised on the 8/24/2023 email exchange about Plaintiff's request for a filing extension. ECF Nos. 33, 40, 59. Plaintiff has now filed a second motion for sanctions that is nearly identical to his previously-filed motion for sanctions. *Compare* ECF No. 33 & No. 74. The only change appears to be that Plaintiff waited over 21 days to file the second motion,¹ which continues to lack a basis in fact or law. This Court should deny Plaintiff's second motion for sanctions.

II. Plaintiff should not be afforded a second bite at the apple.

Plaintiff could have made objections to the Magistrate Judge's Findings, Conclusions, and Recommendation. *See* 28 U.S.C. § 363; ECF No. 40 at PageID 517-18 (informing Plaintiff of the ability to file specific written objections). Plaintiff, however, made no objections, and the District Judge determined that the Findings, Conclusions, and Recommendation were correct and accepted

¹ It appears that only paragraph 12 in the motions are different.

them as the Findings and Conclusions of the Court. ECF No. 59. Simply put, Plaintiff offers no reason for this Court to reconsider its prior ruling and should not be allowed to relitigate his first sanctions motion through the nearly-identical second sanctions motion.

III. Defendants incorporate by reference their prior response.

Alternatively, Defendants Tarrant County and Judge DeAngelis incorporate by reference all of the applicable grounds contained in their response to Plaintiff's first motion for sanctions.²

IV. Prayer

WHEREFORE, PREMISES CONSIDERED, Defendants Tarrant County and Associate Judge DeAngelis pray that this Court deny Plaintiff's motion for sanctions (ECF No. 74).

Respectfully submitted,

/s M. Keith Ogle

M. KEITH OGLE

State Bar No. 24037207

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ATTORNEY FOR DEFENDANTS

TARRANT COUNTY, TEXAS AND

ASSOCIATE JUDGE LORI DEANGELIS

² The alternative notice ground in § III.D is arguably not applicable given that Plaintiff waited over 21 days from the recommended denial of his first motion for sanctions to file the nearly identical second motion for sanctions.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document was served upon all parties who have appeared and are registered with ECF via electronic file provider, as well as the following party via mail in accordance with the provisions of Rule 5, Fed. R. Civ. P., on September 26, 2023:

Conghua Yan
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Southlake, Texas 76092

/s/ M. Keith Ogle
M. KEITH OGLE